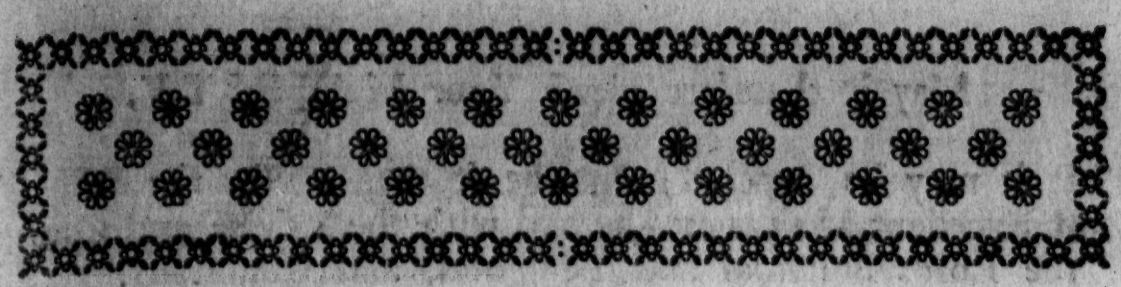


1 Geo III  
Cap 114

W.I

B.S. 325/91 (114)

17



A N  
A C T  
F O R

Enlarging the Term, and Varying the Powers, of an Act of the Thirteenth Year of His present Majesty, for Repairing and Widening certain Roads leading into the Town of *Ross*, in the County of *Hereford*; and for Amending, Widening, and keeping in Repair, certain Streets or Highways within the said Town, and also certain small Pieces of Road communicating with the Roads comprized in the said Act.

W H E R E A S an Act of Parliament was made in the Thirteenth Year of the Reign of His present Majesty, for repairing and widening certain Roads leading into the Town of *Ross*, in the County of *Hereford*, and Trustees were thereby appointed, and divers Tolls, Powers, and Authorities given and granted for carrying the said Act into Execution, and a considerable Sum of Money hath been borrowed, and is now due and owing upon the Credit of the said Tolls; which Money cannot be paid off, and the said Roads effectually amended, widened, and kept in good Repair, unless the Term of the said Act be enlarged, and some of the Tolls thereby granted increased, and some other Alterations and Amendments made to the said Act:

Preamble recites Act 13 Geo. III.

A

May

May it therefore please Your MAJESTY,

Term of the  
former Act  
further conti-  
nued.

That it may be Enacted; And be it Enacted by the KING's Most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act of the Thirteenth Year of the Reign of His present Majesty, and the several Powers, Provisions, Matters, and Things therein contained (except such as are hereby varied, altered, or repealed, and also such as relate to Exemptions from Stamp Duties) shall be and remain in full Force, and shall have Continuance from the Expiration of the present Term of the said recited Act for and during the further Term of Twenty-one Years, and from thence to the End of the then next Session of Parliament, in like Manner, and as fully and effectually to all Intents and Purposes as if the same were repeated and re-enacted in the Body of this Act; which additional Term hereby granted shall and is hereby declared to be subject and liable to the Payment of all Money now due and owing upon the Credit of the said recited Act, and of all Interest due and to grow due for the same.

New Roads.

And whereas the several Streets or Highways leading through the said Town called *The Brook End, The Bell Forge, Behind the Hill, The Hill, The Bull Ring, The Market Place, Corp's Cross Street, Hatter's Lane, The High Street, and The Town's End*, join and communicate with the several Roads comprized in the said Act; and the said Streets or Highways, owing to the great Number of heavy laden Carriages daily passing through the same, are of late become greatly out of Repair; and a certain Turning at the Corner of *Hatter's Lane* aforesaid is narrow and unsafe for Travellers, and no Provision is made by the said Act for rendering the Passage through the said Town convenient and safe; and there are certain small Pieces of Road leading from the present Turnpike Road at *Focle's Green* to *Crow Hill*, in the Parish of *Upton Bishop*, and from *Weston's Cross* to *Nokes's Stile*, in the Parish of *Weston under Penyard*, and from *Coughton's Chapel*, through *Coughton's Street*, to *Dib Dean*, in the Parish of *Walford*, in the said County, which also communicate with the Roads comprized in the said Act; and the same are in many Parts narrow and out of Repair, and cannot be effectually amended, widened, and kept in good Repair, by the ordinary Course of Law: Be it therefore further Enacted, That all the Powers and Authorities contained

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contained in the said recited Act, which from and after the Commencement of this Act shall be in Force, and also this present Act, shall extend to the several Streets or Highways, and Pieces of new Road hereinbefore described, in like Manner as if the same had been included in the said recited Act as Part of the Roads to be amended, widened, and kept in Repair by virtue thereof.

And be it further Enacted, That no Person shall be capable of acting as a Trustee in the Execution of the said recited Act or this Act (except in administering the Oath hereinafter mentioned) unless at the Time of his acting he shall be in his own Right, or in the Right of his Wife, in the actual Possession or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, of the clear Yearly Value of Sixty Pounds above Reprises, or possessed of a Personal Estate of the Value of One thousand Five hundred Pounds more than sufficient to pay all his Debts, or shall be Heir Apparent of a Person possessed of an Estate in Lands, Tenements, or Hereditaments, of the clear Yearly Value of Two hundred Pounds, and unless such Person (not being such Heir Apparent as aforesaid) shall have taken and subscribed an Oath to the Effect following, before any Five or more of the Trustees appointed in or by virtue of the said recited Act (who are hereby authorized and required to administer the same) that is to say;

New Qualification of Trustees directed.

“ I *A. B.* do swear, That I truly and *bona fide* am, in my  
“ own Right, or in the Right of my Wife, in the actual  
“ Possession and Enjoyment, or Receipt of the Rents and  
“ Profits of Lands, Tenements, or Hereditaments, of  
“ the clear Yearly Value of Sixty Pounds above Reprises;  
“ or possessed of a Personal Estate to the Amount or Value  
“ of One thousand Five hundred Pounds more than  
“ sufficient to pay all my Debts.  
“ So help me GOD.”

And if any Person, not being so qualified, shall presume to act as a Trustee in the Execution of the said recited Act or this Act, contrary to the Intent and Meaning hereof, every such Person shall forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, and every Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, upon Proof given of his having acted  
as

as a Trustee in the Execution of this Act, any Thing in the said recited Act to the contrary hereof notwithstanding.

Present Tolls  
discontinued,  
and others  
granted.

And be it further Enacted, That the several Tolls now paid and payable by virtue of the said recited Act shall from and after the Commencement of this Act cease, determine, and be no longer payable, and that instead thereof the Tolls following shall be demanded and taken by virtue of the said recited Act and this Act, at the several Turnpikes erected or to be erected in, upon, or across the said Roads, or on the Sides thereof, before any Cattle or Carriage shall be permitted to pass through the same (that is to say);

For every Horse, Mare, Gelding, or Mule, drawing any Coach, Berlin, Landau, Chariot, Chaise, Calash, Chair, Hearse, or Litter, the Sum of Four Pence Halfpenny:

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Waggon, Wain, Cart, or other Carriage, employed in carrying Dung, Mould, Soil, Compost, or Lime, for manuring or improving of Land, the Sum of Two Pence:

For every Ox or other Neat Cattle drawing any Waggon, Wain, Cart, or other Carriage, employed in carrying Dung, Mould, Soil, Compost, or Lime, for manuring or improving of Land, the Sum of One Penny:

For every Ox or other Neat Cattle drawing any Waggon, Wain, Cart, or other Carriage, not employed in carrying Dung, Soil, Mould, Compost, or Lime, for manuring or improving of Land, the Sum of Two Pence Halfpenny:

For every Horse, Mare, Gelding, Mule, or Ass, drawing any Waggon, Wain, Cart, or other Carriage, not employed in carrying Dung, Soil, Mould, Compost, or Lime, for manuring or improving of Land, and having the Fellies of the Wheels of the Breadth of Six Inches at the least at the Bottom or Sole thereof, the Sum of Four Pence Halfpenny; and having the Fellies of the Wheels of less Breadth than Six Inches at the Bottom or Sole thereof, the Sum of Six Pence:

For every Horse, Mare, Gelding, Mule, or Ass, carrying Pit or Stone Coal, and not drawing, the Sum of One Halfpenny:

For every other Horse, Mare, Gelding, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny Halfpenny:

For every Drove of Oxen or other Neat Cattle the Sum of One Shilling and Eight Pence *per* Score; and so in Proportion for any greater or less Number.

And

And for every Drove of Calves, Sheep, Lambs, or Swine, the Sum of Ten Pence *per* Score; and so in Proportion for any greater or less Number.

And be it further Enacted, That between the First Day of *November* in every Year and the Thirty-first Day of *March* following. (both Days inclusive) double the Tolls hereinbefore granted shall be demanded and taken at the said several Turnpikes, for every Horse or other Beast drawing any Waggon, Wain, Cart, or other Carriage, employed in carrying Timber, Planks, Lime Stones, Lime, Bricks, Stones, Tiles, Paving or Building Materials.

Double Tolls in Winter for Carriages carrying Materials for paving or building, and Manure.

And be it further Enacted, That the said Tolls, or any of them, shall not be increased by virtue of an Act of Parliament of the Thirteenth Year of the Reign of His present Majesty, relating to the Turnpike Roads in this Kingdom.

Tolls not to be increased by virtue of the General Turnpike Act.

And be it further Enacted, That the said Trustees, or any Seven or more of them, are hereby authorized and impowered from Time to Time, as they shall think proper, to reduce or lessen all or any of the Tolls by this Act granted, and to raise the same again, so as not to exceed the respective Sums by this Act granted, and so as every such Reduction be with the Consent of the Person or Persons who shall be entitled to Two Third Parts at the least of the Money then due on the Credit of the said Tolls, but no Alteration shall be made in any of the said Tolls, unless Notice in Writing be given of the Intention to make such Alteration, and of the Meeting to be holden for that Purpose, by affixing the same upon all the Turnpikes then erected upon the said Roads, and by advertising the same in the *Hereford* or *Gloucester* Journal, at least Fourteen Days before such Meeting, and such Tolls so lessened or reduced, or raised again, shall be collected, recovered, and applied, in the same Manner as the Tolls hereby granted can or may, by virtue of the said recited Act and this Act, be collected, recovered, and applied.

Power to reduce Tolls.

And be it further Enacted, That no Person shall be exempt from the Payment of the Tolls by this Act granted, for any Horse, Mare, Gelding, Mule, or Afs, or any Waggon, Cart, or other Carriage, carrying or drawing any Timber, Stone, Brick, Lime, or other Materials, to be used and employed in building or repairing of any Houses, Out Houses, or Buildings, any

Materials for building not to be exempt from Toll.

Thing contained in the said first-recited Act to the contrary hereof notwithstanding.

Certain Ex-  
emptions  
from Toll.

Provided always, and be it further Enacted, That no Person shall be subject to the Payment of any of the said Tolls for or in respect of any Horse, Mare, Gelding, Mule, or Ass, carrying or conveying any Person to or from his or her Parish Church or usual Place of Divine Worship on *Sundays*, or attending the Funeral of any Person who shall die and be buried in any of the Parishes wherein the said Roads lie, or carrying or conveying any Clergyman going to or returning from visiting any Sick Person, or other his Parochial Care or Duty within the Parish to which he belongs, any Thing in the said recited Act or this Act to the contrary hereof notwithstanding.

Power to  
erect Weigh-  
ing Engines.

And be it further Enacted, That it shall be lawful for the said Trustees, or any Five or more of them, at any of their Meetings, if they shall think proper, at any Turnpike or Turnpikes erected or to be erected by virtue of the said recited Act, or this Act, or upon any Part of the said Roads, or within the said Town of *Re/s*, and at such Distance from any Turnpike as they shall think requisite or expedient, to order and cause to be built or erected a Crane, Machine, or Engine proper for the weighing of Carts, Waggon, or other Carriages carrying or conveying any Goods, Wares, or Merchandizes whatever, and every such Crane, Machine, or Engine, shall be subject and liable, and the Person or Persons attending the same shall conform in all Respects to the Rules and Regulations contained in the said Act of the Thirteenth Year of the Reign of His present Majesty, relating to the Turnpike Roads in this Kingdom.

Forms of Se-  
curities and  
Transfers  
prescribed.

And whereas it is proper that a Form should be prescribed for the Assignments or Mortgages to be made for the Security of any Money hereafter to be borrowed upon the Credit of the Tolls authorized to be collected upon the said Roads, and also of the Transfers of the Assignments or Mortgages made for the Security of the Money now due, or hereafter to be borrowed as aforesaid; Be it therefore Enacted, That whenever the said Trustees, or any Nine or more of them, shall judge it necessary or expedient to borrow any Money upon the Credit of the said Tolls, or any of them, the Assignment or Mortgage for the Security of any such Money may be made in the Words or to the Effect following:

“ By

“ By virtue of certain Acts of Parliament, made in the  
 “ Thirteenth and Thirty-first Years of the Reign of King  
 “ George the Third, relating to the amending and widen-  
 “ ing certain Roads leading into the Town of *Ross*, in the  
 “ County of *Hereford*, and other Roads or Highways  
 “ therein mentioned, We, whose Names are hereunto  
 “ subscribed, and Seals affixed, being Trustees, acting  
 “ in Execution of the said Acts, in Consideration of the  
 “ Sum of \_\_\_\_\_ to the Treasurer of the said  
 “ Roads in Hand paid, by *A. B.* do hereby assign unto  
 “ the said *A. B.* his Executors, Administrators, and As-  
 “ signs, such Proportion of the Tolls arising by virtue of  
 “ the said Acts as the said Sum of \_\_\_\_\_ doth  
 “ or shall bear to the whole Sum advanced, or to be ad-  
 “ vanced, on the Credit of the said Tolls; to be had and  
 “ holden from this \_\_\_\_\_ Day of \_\_\_\_\_ for  
 “ and during the Continuance of the said Acts, unless the  
 “ said Sum of \_\_\_\_\_ with Interest for the same,  
 “ after the Rate of \_\_\_\_\_ *per Centum per*  
 “ *Annum*, shall be sooner paid and satisfied. Given un-  
 “ der our Hands and Seals, this \_\_\_\_\_ Day of  
 “ in the Year of our Lord

And all such Assignments or Mortgages shall be good, valid,  
 and effectual, and all Persons to whom any Assignments or Mort-  
 gages have already been, or hereafter shall be made, for the Se-  
 curity of any of the Money now due, or hereafter to be bor-  
 rowed as aforesaid, or who is, are, or shall be entitled to the  
 Money thereby secured, shall be Creditors on the said Tolls  
 equally one with another, without any Regard to Priority of  
 Date of any such Assignment or Mortgage; and any such Per-  
 son or Persons may from Time to Time transfer any such As-  
 signment or Mortgage, and his and their Right and Title to the  
 Principal and Interest thereby secured, to any Person or Persons,  
 his or their Executors, Administrators, and Assigns, either by a  
 separate Instrument, or by Indorsement on such Security, in the  
 Words or to the Effect following:

“ I *A. B.* do hereby transfer the within Assignment or  
 “ Mortgage [*if by Indorsement*] or a certain Assignment  
 “ or Mortgage, bearing Date the \_\_\_\_\_ Day of  
 “ \_\_\_\_\_ of the Tolls arising  
 “ upon certain Roads leading into the Town of *Ross*,  
 “ in the County of *Hereford*, and other Roads or  
 “ Highways

“ Highways communicating therewith, comprized in,  
 “ and directed to be amended, widened, and repaired by  
 “ certain Acts of Parliament, made in the Thirteenth  
 “ and Thirty-first Years of the Reign of King George  
 “ the Third [*if by a separate Instrument*] and all my  
 “ Right and Title to the Principal Money and Interest  
 “ thereby secured, unto C. D. his Executors, Adminis-  
 “ trators, and Assigns, dated this Day  
 “ of

And every such Transfer so to be made shall be good, valid,  
 and effectual.

So much of  
 the former  
 Act as re-  
 strains the  
 taking down  
 any House,  
 &c. repealed,  
 with respect  
 to a House at  
 the Corner of  
 Hatter's Lane.

And whereas the Road along *Hatter's Lane* aforesaid cannot be  
 rendered safe and convenient for Travellers without taking down  
 a Dwelling House at the Corner of the said Lane, in the Oc-  
 cupation of *John Sharman*, or some Part thereof, and laying the  
 Whole or Part of the Ground whereon the same stands into  
 the said Lane, which by a Clause in the said Act the Trustees  
 are restrained from doing; Be it therefore Enacted, That so  
 much of the said recited Act as restrains the taking in or pulling  
 down any Dwelling House, or the taking away the Ground  
 whereon any Dwelling House shall stand, shall, so far as relates  
 to the taking or pulling down the said Dwelling House at the  
 Corner of *Hatter's Lane* aforesaid, or to the Ground whereon  
 the said Dwelling House stands, be and is hereby repealed.

Owners or  
 Occupiers of  
 Land to re-  
 move Soil  
 scraped off  
 the Road op-  
 posite their  
 Grounds.

And be it further Enacted, That all and every the Owner or  
 Owners, Occupier or Occupiers of any Lands or Grounds ad-  
 joining to the said Roads shall, from Time to Time, on Six  
 Days Notice to be given to him or them, by Writing under the  
 Hands of any Five or more of the said Trustees, haul, remove,  
 and carry away all such Soil, Earth, or Sand as shall have been  
 gathered, collected, or scraped, or tumped up from off such Part  
 of the said Roads as shall adjoin to the Lands or Grounds of such  
 Owner or Owners, Occupier or Occupiers, the said Trustees, or  
 any Five or more of them, or their Surveyor, finding and pro-  
 curing Workmen or Labourers to load and fill such Carts or  
 other Carriages as shall be used for that Purpose; and in case  
 any such Owner or Occupier shall neglect or refuse to haul, carry  
 off, or remove such Soil, Earth, or Sand as aforesaid, after such  
 Notice given to him as aforesaid, every Person so neglecting or  
 refusing shall, for every such Offence, forfeit and pay the Sum  
 of Twenty Shillings.

And

And be it further Enacted, That all Gates to be hereafter made and placed in any Hedge or Fence adjoining any of the said Roads shall be made and hung inwards towards the Field or Ground, and not towards the Road; and that it shall be lawful for the said Trustees, or any Five or more of them, out of any Money arising by the said Tolls, to cause all or any of the Gates now erected in any such Hedge or Fence, and which open outwards towards the Road, to be altered and made to open inwards, in such Manner as they shall think proper.

Gates to  
open inwards.

And for the better ascertaining by whom and in what Proportion the Statute Duty ought to be performed upon the said Roads, Be it further Enacted, That the Surveyors of the Highways for the respective Parishes wherein the said Roads do lie, being summoned for that Purpose by the Surveyor to the said Trustees, by Order of the said Trustees, or any Five or more of them, to attend at some public Meeting, to be holden at the Distance of at least Ten Days from the Time of serving such Summons, shall attend and deliver upon Oath to the Trustees present at such Meeting (which Oath the said Trustees, or any Two or more of them, are hereby empowered to administer) true and perfect Lists in Writing of the Names of all the Inhabitants of such Parishes respectively, who are liable to perform Statute Work upon the public Highways within such Parishes, specifying whether they are liable to perform the same with Teams or otherwise, and an Account of the Number of Days Work they are so liable to perform; and in case the said Trustees, or any Five or more of them, or their Surveyor, shall by Notice in Writing signify to the Surveyors of the Highways of the said respective Parishes the Number of Persons so liable as aforesaid they or he would have to do Statute Work upon the said Roads, and the Time or Times when the same shall be done (not exceeding Three Days Work in any One Year) then every such Surveyor of the Highways shall and is hereby required, within Ten Days after the Receipt of any such Notice, to summon and give Notice thereof to the Persons so chargeable as aforesaid; and every such Surveyor of the Highways who shall neglect or refuse so to do, shall for every Neglect or Refusal forfeit and pay any Sum not exceeding Ten Pounds, nor less than Forty Shillings; and every Person liable to perform such Statute Work, who shall neglect or refuse to do or perform the same according to the Order or Direction of the said Trustees, or any Five or more of them, or their Surveyor, shall be subject or liable

Surveyors to  
deliver to  
Trustees Lists  
of Inhabitants  
liable to Sta-  
tute Work.

ble to the like Penalty or Forfeiture as Persons neglecting or refusing to do Statute Work are by the said recited Act subject and liable to.

Expences of  
the Act.

And be it further Enacted, That the Charges and Expences attending the obtaining and passing this Act shall be paid out of any Money already received by virtue of the said recited Act or to be received by virtue of the said recited Act, or this Act.

Commence-  
ment and  
Continuance  
of the Act.  
Public Act.

And be it further Enacted, That this Act shall commence and take Place upon the First Day of *June* One thousand Seven hundred and Ninety-one, and shall remain in Force during the Continuance of the said recited Act; and that this Act shall be adjudged, deemed, and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons, without specially pleading the same.



AN  
ACT  
FOR  
T

Enlarging the Term, and Varying the Powers, of an Act of the Thirteenth Year of His present Majesty, for Repairing and Widening certain Roads leading into the Town of *Rejs*, in the County of *Hereford*; and for Amending, Widening, and keeping in Repair, certain Streets or Highways within the said Town, and also certain small Pieces of Road communicating with the Roads comprized in the said Act.

